IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.6835 OF 2004

Lallubhai H. Kahar .. Petitioner

versus

Anant S. Bhatt & ors. .. Respondents

...

Mr.J.V. Parmar for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 1st September 2004.

P.C:-

1. Heard the learned counsel for the petitioner landlord.

2. The learned counsel presses two grounds for possession. viz. i) subletting amounting to breach of the conditions of tenancy and ii) construction of a permanent structure.

3. As regards the permanent structure, no

particulars are found in the plaint except a bare averment that the respondent has constructed unauthorised verrandah. When the verrandah was constructed, where it was constructed, what is its nature and the extent, what materials were used are the details which are lacking in the plaint. I see no reason to interfere in the finding of the appellate Court on this issue.

4. As regards subletting, it is alleged that the suit premises are sublet to respondent nos.2 to 5. Respondent nos.2 to 5 are the family members of the respondent no.1. They are related to him as brothers and sisters, and cannot be regarded as sub-tenants.

5. Both the Courts below have concurrently held against the petitioner on both the grounds. The findings recorded by the Courts below are possible.

5. Petition rejected.

D.G. KARNIK, J